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5 Pro Se Plaintiff

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **OAKLAND DIVISION**

9 SCOTT FEAMSTER, an individual,

) Case Number: 4:18-cv-01327-HSG

10 Plaintiff,

)

11 vs.

) **LEAVE TO FILE A CASE**
12 GACO WESTERN, LLC, d/b/a
13 GACO WESTERN, a Limited Liability
14 Company, and DOES 1-100,
15 Defendants.

) **MANAGEMENT STATEMENT FOR**
16) **FEAMSTER'S HEALTH, LIFE, AND**
17) **HOME DAMAGES CAUSED BY GACO-**
18) **FIRESTONE'S FAILED DEFECTIVE**
19) **TOXIC-CARCINOGENIC SPRAY**
20) **POLYURETHANE FOAM (SPF) IN**
21) **EXCESS OF TEN PAGES AND WITH**
22) **EXTRA TIME**

) Date: March 24, 2020

) Judge: Hon. Haywood S. Gilliam, Jr.

**LEAVE TO FILE CASE MANAGEMENT STATEMENT
IN EXCESS OF TEN PAGES AND WITH EXTRA TIME**

TO THE COURT, THE PARTIES, AND THEIR ATTORNEYS OF RECORD,
PLEASE TAKE NOTICE:

On March 23, in Courtroom 2, 4th Floor, in the above-captained Court before the

Honorable Haywood S. Gilliam, Jr., located at 1301 Clay Street, Oakland, CA 94612.

I hereby request leave to file in the above-entitled action for Feamster's Health, Life, and Home Damages Caused by Gaco-Firestone's Toxic-Carcinogenic Failed Defective Spray Polyurethane Foam (SPF) in Excess of Ten Pages and with Extra Time on the grounds that: (A) the case involves numerous toxic-carcinogenic chemicals and is extremely complex, (B) new and different significant facts and circumstances exist, and (C) Gaco-Firestone disputes and evades discovery on numerous significant fundamental facts.

(A) The case involves numerous toxic-carcinogenic chemicals and is extremely complex in its five-year time frame, toxic-carcinogenic liability damages and claims, and Gaco-Firestone's evasion and unwarranted oppression.

(1) It's not a single-incident product liability claim; Gaco-Firestone's failed defective SPF damages have been ongoing for over four years.

(2) Gaco-Firestone toxic-carcinogenic chemicals were emitted from defective and failed defective SPF over 12 months and progressively debilitated and incapacitated Feamster's multiple organ systems for over four years.

(3) Three different failed defective SPF product liability damages include defectively designed SPF, defectively manufactured SPF, and failure to provide adequate defective and failed defective health hazard warnings and instructions by Gaco-Firestone.

(4) Compensatory SPF damages include “economic” damages, such as tangible property, and “non-economic” damages, such as intangible property. Gaco-Firestone’s evasive discovery and unwarranted oppression might merit punitive damages.

1 (5) Defective and failed defective SPF claims against Gaco-Firestone include negligence due to
2 failure to exercise ordinary care, failure to act to meet care obligations causing significant
3 damages, and intentional misrepresentation-fraud in deliberately concealing health and denying
4 structural damages for over four years.

5 (6) Gaco-Firestone's continuing evasion of damages disclosures for over four years including
6 missing five discovery deadlines with Feamster's prior attorney (one Court ordered on May 6,
7 2019) and three meet-and-confer document requests by Feamster, the last documents request in
8 person on February 21, 2020.

9 (7) Feamster's prior attorney's representation withdrawal after 11-1/2 years with inadequate
10 notice, libelous court allegations, and no attorney substitution assistance in the defective and
11 failed defective SPF cases in the U.S. District Court and the San Mateo Superior Court and in
12 two business cases in the San Mateo Superior Court and the Santa Clara Superior Court. All
13 three superior courts have now granted Feamster continuances.

14 (B) New and different significant facts and circumstances exist in Feamster's continuing
15 deteriorating health disabilities; high pneumonia, influenza, and coronavirus health risks; and
16 Gaco-Firestone's increasing disclosure evasion and unwarranted oppression of Feamster.

17 (1) Due to Gaco-Firestone's recent evasive and oppressive court actions, Feamster's mental and
18 physical debilitation and incapacitations have recently increased in severity.

19 (2) Due to Gaco-Firestone's recent evasive and oppressive court actions, Feamster has been
20 unable to maintain complete prescribed twice-daily medical regimens, daily physical therapy
21 exercises and office visits, and vital specialist physician research and office visits.

22 (3) Due to the arrival of the influenza season and the coronavirus COVID-19 pandemic,
23 Feamster is very vulnerable to all three CDC high risk factors:

24 (a) Age over 65: Feamster is age 75.

25 (b) Pre-existing chronic lung condition: Feamster suffers from chronic respiratory system
26 illnesses beginning with failed defective SPF in 2015.

27 (c) Coronavirus COVID-19 hot spot exposure: in early March, Feamster participated in his
28 age 93 aunt's memorial services traveling by passenger train through New Jersey and
through New Rochelle and New York City, New York.

1 (4) Especially due to coronavirus COVID-19 quarantining, Feamster has been unable to arrange
2 for any contractor inspection visits of his home and for office visits to other experts to obtain in-
3 depth estimates on all defective and failed defective SPF health, life, and home damages.

4 (5) Feamster is currently suffering his second serious influenza infection this season; his first
5 influenza infection this season lasted four weeks, twice as long as typical. Feamster's increased
6 microbial sensitivity was caused by Gaco-Firestone's defective and failed defective SPF.

7 (6) Due to his overwhelming volume of information, chronic health disabilities, and current
8 health incapacitations, Feamster is experiencing extreme difficulty condensing four years of
9 Gaco-Firestone's defective and failed defective SPF inaction and denials; massive defective and
10 failed defective SPF toxic-carcinogenic chemicals research; copious health, life, and home
11 damages evidence; and Gaco-Firestone's increasing discovery evasion and unwarranted
12 oppression of Feamster. Feamster has been unable to prepare a concise yet comprehensive Case
13 Management Statement.

14 (C) Gaco-Firestone has yet to provide meaningful, detailed, and comprehensive
15 discovery responses that will allow Feamster to prepare for and participate in Court proceedings;
16 and Gaco-Firestone disputes and evades discovery on numerous significant fundamental facts;
17 e.g.,

18 (a) Its SPF was defective and might fail.

19 (b) Its defective SPF failed in the attic and crawl space of Feamster's home.

20 (c) It's responsible for the deconstruction and reconstruction of Feamster's home
21 associated with the removal and replacement of its failed defective SPF.

22 (d) Its defective and failed defective SPF caused Feamster's mental and physical
23 debilitation and incapacitations that are unpreventable, unpredictable, and untreatable.

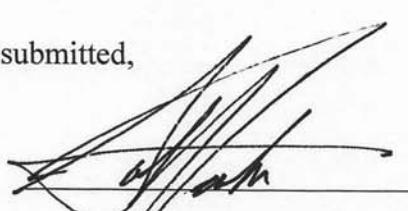
24 (e) Its failure to notify Feamster of its defective SPF before installation, at installation, or
25 at installation failure.

26 (f) Its failure to notify Feamster of its failed defective SPF health hazards at installation
27 failure.

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2 Thus, Feamster hereby requests leave to file in the above-entitled action for Feamster's
3 Health, Life, and Home Damages Caused by Gaco-Firestone's Toxic-Carcinogenic Failed
4 Defective Spray Polyurethane Foam (SPF) in Excess of Ten Pages and with Extra Time on the
5 grounds that:

6 (A) the case involves numerous toxic-carcinogenic chemicals and is extremely complex,
7 (B) new and different significant facts and circumstances exist, and
8 (C) Gaco-Firestone disputes and evades discovery on numerous significant fundamental
9 facts.

10 Date: 3/23/2020 Respectfully submitted,

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12 Signature: 

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19 DATED: 3/24/2020

